IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR. JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 15473 of 2004

Between:

A.P. State Warehousing Corporation rep by Secretary, Hyderabad.

..... PETITIONER.

AND

1. B. Bapiraju S/o Bhaskara Rao, aged 49 YEARS, R/o Plot No.13, Padmaja Colony, M.V. Nagar, Hyderabad-9.
2. The Managing Director, A.P. State Warehousing Corporation, Nampally, Hyderabad-9

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus directing the respondents to forbear from enforcing the order dated 30-04-2004 in A.A. No. 26/2004 by setting a side the same holding it to be not valid.

Counsel for the Petitioner:MR.C.S.VENKATESH

Counsel for the first respondent: Mr.A.Chandrasekhar.

Counsel for the Respondent No.2: MR.G.BHASKAR

The Court at the admission stage made the following:

ORDER:

This writ petition is preferred by the petitioner seeking a direction in the nature of a writ of mandamus, to the respondents to forbear from enforcing the order dated 30.4.2004 in A.A.No:26 of 2004 by setting aside the same holding it to be not valid.

Heard the learned counsel on either side.

We have perused the material available on record. As per clause 19 of the agreement, dated 18.2.2002 entered into between the parties, either the Managing Director of A.P. State Warehousing Corporation or any other person authorized by him in writing, can be appointed as an arbitrator to settle the disputes between the parties. On the Arbitration Application in A.A.No:26 of 2004, this Court has appointed the Managing Director as arbitrator in the case on hand. Having aggrieved by the same, the present writ petition is preferred.

Heard the learned counsel on either side.

We have perused the material available on record. In the light of clause 19 of the agreement, which envisages that the managing director or a person to be nominated by him, can be appointed as an arbitrator, it cannot be said that the appointment of the Managing Director as an arbitrator, is illegal or contrary to the said clause.

However, in view of the dissatisfaction expressed by the writ petitioner and also in terms of clause 19 of the agreement, We deem it appropriate to modify the order dated 30.4.2004. Accordingly, We modify the order dated 30.4.2004 to the effect that the 2nd respondent-Managing Director should nominate a person to act as an arbitrator, within a period of four (4) Weeks from today to decide the disputes between the parties.

Subject to the above modification, this writ petition is disposed of. No order as to costs.

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Justice T.Meenakumari

Date:13th Sept. 2004.

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Justice Gopalakrishna Tamada

Gurc.

To

1. The Managing Director, A.P. State Warehousing Corporation,
Nampally, Hyderabad-9.
2. Two CD copies.

HONOURABLE SMT JUSTICE

T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE

GOPALAKRISHNA TAMADA

W.P.No:15473 of 2004

(order pronounced by Sri Justice

Gopalakrishna Tamada)

13th September, 2004